



Legislative Bulletin.....August 1, 2007

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H.R. 1495—Water Resources Development Act of 2007 CONFERENCE REPORT

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: Numerous

Total Cost of Discretionary Authorizations: No CBO score is available, but the Statement of Administration Policy (SAP) states the bill will cost approximately \$20 billion over the first fifteen years (compared to \$13 billion when the bill passed the House on April 19, 2007).

Effect on Revenue: No CBO score is available.

Total Change in Mandatory Spending: No CBO score is available.

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 0

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 0

H.R. 1495—Water Resources Development Act of 2007 Conference Report (Oberstar-MN)

NOTE:

--In the last Congress, a WRDA bill passed the House in 2005 (H.R. 2864), at a cost of \$4.4 billion over five years. The last time WRDA was *signed into law* was in 2000 (Public Law 106-541), at a cost of \$1.6 billion over five years. And, when the House passed H.R. 1495 on April 19, 2007, the bill authorized \$7.6 billion over five years and \$13 billion over the first fifteen years of implementation.

No CBO score is available, but according the SAP, the **total cost of implementing the bill would amount to \$20 billion.**

--The Congressional Research Service notes that, “The Corps now has a ‘backlog’ of more than 500 authorized projects that have not consistently received construction appropriations.” In addition, the SAP notes that the “Corps already has a backlog of ongoing appropriations that will require future appropriations of more than \$38 billion to complete.”

--**H.R. 1495 contains hundreds of earmarks (as listed in Joint Explanatory Statement)**

--**The SAP states “the President will veto the bill.”**

Order of Business: The conference report is scheduled to be considered on the House floor on Monday, August 1st, subject to a closed rule (H.Res. 597), which does not make a motion to recommit in order.

Summary: H.R. 1495 authorizes Army Corps of Engineers river and harbor projects under the Water Resources Development Act (WRDA) and otherwise provides for funds aimed at the development and conservation of water resources. Highlights of the conference report are as follows:

Title I—Water Resources Projects

- Authorizes appropriations for **46** water resources projects (listed in the bill) in Alaska, Arizona, Arkansas, California, Colorado, Florida, Illinois, Iowa, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Kansas, New Jersey, New Mexico, New York, Ohio, Pennsylvania, South Carolina, Texas, Virginia, and Washington.
- Requires the Secretary of the Army to determine whether a flood damage reduction project is justified in **40** localities (listed in the bill) in Alabama, Arizona, Arkansas, California, Georgia, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Missouri,

New Jersey, New York, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, and Wyoming—and allows the Secretary to carry out the projects deemed appropriate. Also provides special rules for 10 of the 40 projects.

- Requires the Secretary of the Army to determine whether an emergency streambank protection project is justified in **18** localities (listed in the bill) in California, Florida, Louisiana, Maryland, Minnesota, Missouri, New York, Tennessee, Texas, and Vermont—and allows the Secretary to carry out the projects deemed appropriate.
- Requires the Secretary of the Army to determine whether a navigation project is justified in **21** localities (listed in the bill) in Alaska, Arkansas, Louisiana, Massachusetts, Minnesota, Wisconsin, New York and Michigan—and allows the Secretary to carry out the projects deemed appropriate. Also provides special rules for two of the 10 projects.
- Requires the Secretary of the Army to determine whether an environmental improvement project is justified in **seven** localities (listed in the bill) in California, Florida, Iowa, Missouri, New Jersey and Delaware, and Pennsylvania—and allows the Secretary to carry out the projects deemed appropriate.
- Requires the Secretary of the Army to determine whether an aquatic ecosystem project is justified in **43** localities (listed in the bill) in Alabama, Alaska, California, Florida, Georgia, Alabama, Louisiana, Massachusetts, Minnesota, Michigan, Montana, Missouri, Nevada, New Jersey, Ohio, North Carolina, Oregon, Pennsylvania, Rhode Island, South Carolina, Virginia, and Vermont—and allows the Secretary to carry out the projects deemed appropriate. Also provides a special rule for four of the 43 projects.
- Requires the Secretary of the Army to determine whether a shoreline protection project is justified in eight localities (listed in the bill) in Alaska, Florida, California, Guam, New York, Texas and Pennsylvania—and allows the Secretary to carry out the projects deemed appropriate.
- Requires the Secretary of the Army to determine whether a snagging and sediment removal project is justified in **one** locality (listed in the bill) in New York—and allows the Secretary to carry out the project, if deemed appropriate.
- Requires the Secretary of the Army to determine whether a project to prevent or mitigate damage caused by navigation projects is justified in **two** localities (listed in the bill) in Georgia and Indiana—and allows the Secretary to carry out the project, if deemed appropriate.
- Authorizes the Secretary to carry out **one** aquatic plant control project in Nebraska.

Title II—General Provisions

- Prohibits the Secretary of the Army from soliciting non-federal contributions for projects in excess of the non-federal share listed in this legislation.

- Requires that the Army compile and print a volume of all laws related to the improvement of rivers and harbors, flood control, beach erosion, and other water resources development.
- Authorizes the Secretary to enter into cost-sharing agreements with non-federal entities for dredged materials projects.
- Increases the annual authorization for Small Flood Package Reduction projects from \$50 million to \$55 million.
- Increases the annual authorization for projects for Improvement of the Quality of the Environment from \$25 million to \$40 million.

Title III—Project-Related Provisions

- Provides cost ceilings and other limitations on 178 water projects (listed in the bill) in Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Virginia, Washington, West Virginia, and Wisconsin.
- Extends for five years the authorizations of five expiring projects (in California, Guam, Maryland, Virginia, Massachusetts, and Michigan).
- Extends the authorizations of three projects (in Michigan, Wisconsin, and Minnesota) pending determination by the Secretary of the Army that such reauthorization is feasible.
- Terminates, in whole, or in part the authorizations for 40 projects in California, Connecticut, Delaware, Maryland, Florida, Indiana, Iowa, Kentucky, Massachusetts, Pennsylvania, Louisiana, New Jersey, New York, Oregon, Rhode Island, Texas, West Virginia, Washington, and Maine.
- Authorizes eleven land conveyances in Arkansas, Kansas, California, Kansas, Missouri, Oregon, South Carolina, and Texas.
- Eliminates reversionary interests and use restrictions for six projects in Idaho, Oklahoma, Oregon, Tennessee, and Washington.

Title IV—Studies

- Authorizes 101 new water-related studies (detailed in the bill) in Alaska, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Puerto

Rico, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin.

Title V—Miscellaneous Provisions

- Allows the Secretary of the Army (upon request of an appropriate non-federal entity) to maintain ten navigation channels and breakwaters constructed or improved by a non-federal interest in Florida, Louisiana, Tennessee, Texas, and Wisconsin.
- Allows the Secretary to provide up to 50% of the costs of technical, planning, and design assistance to non-federal interests for watershed management, restoration, and development at 18 locations (listed in the bill) in Florida, Georgia, Illinois, Louisiana, Nebraska, New Mexico, Massachusetts, New Jersey, New York, New Jersey, Ohio, Pennsylvania, and Washington. Authorizes a total of \$15 million for such assistance.
- Allows the Secretary to provide dam safety assistance at fifteen locations (listed in the bill) in Idaho, Illinois, Wisconsin, Michigan, New York, Ohio and Pennsylvania. Authorizes a total of \$12 million for such assistance.
- Adds five areas in Louisiana to the current list of flood mitigation priority areas and authorizes \$20 million.
- Requires the expedited study (and completion, if feasible) of fourteen potential projects in Alaska, California, Florida, Louisiana, New York, and Massachusetts.
- Expedites completion of reports (and if determined to be feasible on to project pre-construction, engineering, and design) for five projects in Arkansas, Colorado, Florida, Louisiana, and Texas.
- Authorizes \$7 million for an assessment of the water resources needs of the river basins and watersheds of the southeastern United States.
- Authorizes \$4 million for the Upper Mississippi River dispersal barrier project, which is a project to prevent and reduce the dispersal of aquatic nuisance species through the Upper Mississippi River dispersal barrier project.
- Increases authorized level for Chesapeake Bay environmental restoration and protection program from \$10 million to \$40 million.
- Increases the authorized level for the Chesapeake Bay Oyster Restoration program from \$30 million to \$50 million.
- Authorizes the Secretary to participate with others in assessing hypoxia in the Gulf of Mexico.

- Authorizes 273 new projects and studies in Alabama, Alaska, Arkansas, California, Colorado, New Mexico, Connecticut, Delaware, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Virginia, Missouri, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Pennsylvania, Puerto Rico, Tennessee, Texas, Vermont, Virginia, Washington, Montana, Nevada, New Mexico, Utah, Wyoming, and West Virginia.

Title VII—Louisiana Coastal Area

- Requires the Secretary, in coordination with the Governor of Louisiana, to develop a comprehensive plan for protecting, preserving, and restoring the coastal Louisiana ecosystem.
- Authorizes the Secretary to carry out a new program for ecosystem restoration of the Louisiana Coastal area.
- Establishes a Coastal Louisiana Ecosystem Protection and Restoration Task Force.
- Authorizes a total of more than \$1 billion for construction projects listed in section 7006 of the bill. Also authorizes four other projects in Louisiana if the Secretary determines they are feasible at a total cost of \$180 million.
- Allows other federal funds to be used to fund the *non-federal* portion of projects in the Louisiana Coastal Area.
- Authorizes the Secretary to carry out nine projects in New Orleans and the surrounding area.

Title VIII—Upper Mississippi River and Illinois Waterway System

- Authorizes the Secretary to undertake navigation improvements and restoration of the ecosystem for the Upper Mississippi River and Illinois Water System.
- Authorizes \$256 million (half from the Treasury and half from the Inland Waterways Trust Fund) for small scale and nonstructural projects on the Upper Mississippi.
- Authorizes \$1.9 billion (half from the Treasury and half from the Inland Waterways Trust Fund) for new locks on the Upper Mississippi River and Illinois Waterway.
- Authorizes \$1.7 billion for ecosystem restoration projects.

Title IX—National Levee Safety Program

- Authorizes \$20 million a year for a National Levee Safety Program.

Committee Action: H.R. 1495 was introduced on March 13, 2007, and referred to the Committee on Transportation and Infrastructure, which held a markup and ordered the bill to be reported by voice vote on March 15, 2007. On April 19, 2007, the legislation passed the House by a vote of 394 to 25.

Possible Conservative Concerns: Some conservatives may be concerned about the cost of H.R. 1495. As noted above, the conference report authorizes a higher level of discretionary spending than the last WRDA bill signed into law, the WRDA bill that passed the House in the 109th Congress, the original version of H.R. 1495 to pass the House in April, and the Senate WRDA bill.

As the SAP for this legislation states: “Indeed it seems a \$14 billion Senate bill went to conference with the House’s \$15 billion bill and somehow a bill emerged costing approximately \$20 billion. This is not how most Americans would expect their representatives in Washington to reach agreement, especially when it is their tax dollars that are being spent.”

Some conservatives may also be concerned about the large number of earmarks included in the bill.

Cost to Taxpayers: No CBO score is available, but the SAP cites a total cost of \$20 billion for discretionary authorizations.

Earmark Compliance: The [Joint Explanatory Statement](#) contains a list of earmarks which number in the hundreds.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill contains various new federal programs and authorities.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No

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